

Privileged and Confidential

Proposed Amendment No. ____ to Bill 1403

Proposed by: Staff

Introduced by:

Date:

A BILL TO ADOPT THE TALBOT COUNTY NOISE ORDINANCE PURSUANT TO ENVIRONMENT ARTICLE § 3-105 AND § 3-401, ET SEQ., MARYLAND CODE ANN. AND TO AMEND SECTIONS OF CHAPTER 11 (ALCOHOLIC BEVERAGES) AND CHAPTER 15 (ANIMALS) TO MAKE SUCH CHAPTERS CONSISTENT WITH THE TALBOT COUNTY NOISE ORDINACNE

KEY

Boldface.....Heading or defined term

Underlining.....Added by amendment

~~Strikethrough~~.....Deleted by amendment

* * * Existing Bill unaffected

Proposed Amendments: The amendments proposed to the text of the Bill are as follows:

* * *

Section 92-5 EXEMPTIONS

A. The provisions of this Chapter do not apply to devices used solely for the purpose of warning, protecting, or alerting the public, or some segment thereof, or the existence of an emergency situation or operation.

B. Certain Noise Sources or unintended Noise, in the regular course of Residential activities, (e.g., wind chimes, garage door) as determined by the Noise Control Officers, will not be investigated for compliance with this Chapter.

C. The provisions of this Chapter do not apply to the following:

1. Household tools and portable appliances in normal usage and in proper operating condition. This does not include Noise caused by amplified music devices.

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6. ~~On a property granted agricultural assessment by the Maryland Department of Assessments and Taxation,~~ Noise emanated by ~~commercial~~ agricultural, livestock and timber operations, and related support operations and machinery. Related operations include, but are not limited to, production and management of tillage, fertilization, pest control, crop or timber harvesting, marketing, saw mills, grain dryers, livestock, crops, vegetation, and soil including compost, feeding, housing, and maintaining of farm animals and handling their by-products. Related machinery includes, but is not limited to, motor vehicles, tractors and all-terrain vehicles being used for such operations.

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Purpose: This new language is intended to clarify which agricultural operations are exempted from the noise standards.

Amendment not substantive: An amended ordinance cannot be deemed to be a new or different one unless it enlarges or narrows the scope of the original ordinance to such an extent that the ordinance as enacted can be said to be misleading in a substantial manner in its final form. Amendments that do not defeat the original purpose of the ordinance are not so substantial as to become a new ordinance. *Ajamian v. Montgomery County*, 99 Md. App. 665, 684-685 (1994). This amendment does not meet the test and therefore is non-substantive.